



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/849,986 | 05/20/2004 | Vinode Ramnauth | MBT-13702/03 | 8686 |
| 25006 | 7590 | 08/01/2007 | | |
| GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C | | | EXAMINER | |
| PO BOX 7021 | | | TALBOT, MICHAEL | |
| TROY, MI 48007-7021 | | | | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3722 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 08/01/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/849,986

Applicant(s)

RAMNAUTH ET AL.

Examiner

Michael W. Talbot

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-11,13-19,21 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1,2 and 4-10 is/are allowed.
- 6) ☒ Claim(s) 11,13,14,19,21 and 23-27 is/are rejected.
- 7) ☐ Claim(s) 15-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 19,21 and 23-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 19 and 21, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 11,13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Sarh '947. Sarh '947 shows in Figures 1-9 an apparatus for carrying out machining operations on a work piece (11) comprising a tool carriage mechanism (12,13) adapted for mounting on a support member (10) and moveable (via 14,15,16) with respect to said support member, wherein said tool carriage mechanism includes a base unit (20) mounted on the support member. Sarh '947 shows a support post (12,13) having one end (at 20) rotatably mounted (col. 6, lines 36-41) on said base unit, a first drive motor unit (col. 6, lines 36-41) capable of rotating the support post, a vertical main mounting plate (19) on which said base unit is moveably

Art Unit: 3722

mounted (via 14,15,16) and a drive motor mechanism (col. 4, lines 40-56) adapted for moving said base unit on said main mounting plate. Sarh '947 shows a power tool (31) including a second drive motor (inherent within) to rotatably drive a tool, a support arm (23) pivotable about a transverse axis (Fig. 9) and being mounted on a second end of said support post opposite said one end and the power tool being mounted on a section of the support arm spaced away from the support post (Fig. 1). Sarh '947 shows a third drive motor (col. 6, lines 36-41) capable of pivoting the support arm and the attached power tool to change the operating orientation of the power tool during use, wherein said drive motor mechanism includes a fourth motor mounted on the base unit (28,29 and col. 6, lines 36-41). Sarh '947 shows the support post comprising a substantially hollow tube and the first drive motor unit is mounted substantially in a lower section of the hollow tube (col. 4, lines 40-56) and said third motor unit being substantially in an upper section of the hollow tube. Sarh '947 shows the power tool is a drilling unit including a drill bit holder (30) and the support arm pivotable through an angle of about 180 degrees (Figs. 6-9).

Allowable Subject Matter

5. The following is a statement of reasons for the indication of allowable subject matter:

Claims 1,2 and 4-10 are allowed.

Claims 1 and 5 are the independent claims.

6. Regarding claim 1, the prior art of record fails to anticipate or make obvious a machine for carrying out machining operations on two rectangular frameworks arranged one above the other comprising (1) "two framework guide supporting devices, each including an elongate horizontal support frame mounted on the base frame", (2) "two horizontally extending guide arrangements mounted one above the other on each horizontal support frame, said guide arrangements being adapted to guide and support respectively said two rectangular frameworks

Art Unit: 3722

for intermittent horizontal movement relative to said machine in the lengthwise direction", and (3) a tool supporting mechanism including "a horizontal support beam mounted for sliding movement on said base frame in the widthwise direction of said base frame", solely or in combination, with a machine for carrying out machining operations on two rectangular frameworks arranged one above the other having a machine base, a tool supporting mechanism, at least one power tool, and a transport mechanism.

Kneip '838 is the closest art of record.

Kneip '838 shows in Figures 1-4 a machine comprising a machine base frame (1), one framework guide supporting device (2,9,10) mounted on base frame, two horizontally extending guide arrangements (28,34) mounted one above the other and adapted to guide and support respectively two of said rectangular frameworks for intermittent horizontal movement, a tool supporting mechanism (3,4,5,6,7,31), at least one power tool (11,12,44), a transportation mechanism capable of moving the at least one power tool horizontally in said lengthwise direction of the base frame and vertically relative to the base frame (col. 2, lines 30-34), wherein the power tools can carry out one or more machining operations. Kneip '838 shows the tool supporting mechanism including a horizontal support beam (31) mounted for horizontal movement on said base frame in the widthwise direction.

Kneip '838 lacks a machine for carrying out machining operations on two rectangular frameworks arranged one above the other comprising (1) "two framework guide supporting devices, each including an elongate horizontal support frame mounted on the base frame", (2) "two horizontally extending guide arrangements mounted one above the other on each horizontal support frame, said guide arrangements being adapted to guide and support respectively said two rectangular frameworks for intermittent horizontal movement relative to said machine in the lengthwise direction", and (3) a tool supporting mechanism including "a

Art Unit: 3722

horizontal support beam mounted for sliding movement on said base frame in the widthwise direction of said base frame".

Although it is well known to have a machine for carrying out machining operations on two rectangular frameworks arranged one above the other, there is no teaching in the prior art of record that would, reasonably and absent impermissible hindsight, motivate one having ordinary skill in the art to so modify the teachings of Kneip '838, noting that in Kneip '838, only one framework guide supporting devices (2,9,10) including an elongate horizontal support frame is present, the two horizontal extending guide arrangements (28,34) are not mounted on each horizontal support frame one above the other since there is only one framework guide supporting device, thus only one horizontal support frame, and the tool supporting mechanism (3,4,5,6,7,31) is not mounted for sliding movement on the base frame in the widthwise direction. Thus, for at least the foregoing reasons, the prior art of record neither anticipates nor rendered obvious the present invention as set forth in independent claim 1.

7. Regarding claim 5, the prior art of record fails to anticipate or make obvious a machine for carrying out machining operations on two rectangular frameworks arranged one above the other comprising (1) "the at least one power tool is a drill unit assembly including a drill bit holder and a motor for rotating a drill bit mounted in said drill bit holder, and wherein a carriage unit includes a support arm having said drill unit assembly mounted thereon and pivotable about a horizontal axis two framework guide supporting devices, each including an elongate horizontal support frame mounted on the base frame", solely or in combination, with a machine for carrying out machining operations on two rectangular frameworks arranged one above the other having a machine base, at least one framework guide supporting device, two horizontally extending guide arrangements, a tool supporting mechanism, at least one power tool, a tool supporting carriage, and a transport mechanism.

Kneip '838 is the closest art of record.

Kneip '838 shows in Figures 1-4 a machine comprising a machine base frame (1), at least one framework guide supporting device (2,9,10) support on base frame, two horizontally extending guide arrangements (28,34) mounted one above the other and adapted to guide and support respectively two of said rectangular frameworks for intermittent horizontal movement, a tool supporting mechanism (3,4,5,6,7,31), at least one power tool (11,12,44), a transportation mechanism capable of moving the at least one power tool horizontally in said lengthwise direction of the base frame and vertically relative to the base frame (col. 2, lines 30-34), wherein the power tools can carry out one or more machining operations. Kneip '838 shows the tool supporting mechanism including a horizontal support beam (31) mounted for horizontal movement on said base frame in the widthwise direction. Kneip '838 shows the transporting mechanism including a vertical support plate (Fig. 1) for horizontal movement on support beam (via arrows at 17,19) and a support carriage (Fig. 4) for vertical movement on the vertical support plate (via down arrows at 11,12). Kneip '838 shows two clamping arm assemblies (40,45) adapted to clamp said two frameworks and to firmly and temporarily hold a respective one of said two frameworks arranged along each pair of the rails.

Kneip '838 lacks a machine for carrying out machining operations on two rectangular frameworks arranged one above the other comprising (1) "the at least one power tool is a drill unit assembly including a drill bit holder and a motor for rotating a drill bit mounted in said drill bit holder, and wherein a carriage unit includes a support arm having said drill unit assembly mounted thereon and pivotable about a horizontal axis two framework guide supporting devices, each including an elongate horizontal support frame mounted on the base frame".

Although it is well known to have a machine for carrying out machining operations on two rectangular frameworks arranged one above the other, there is no teaching in the prior art

Art Unit: 3722

of record that would, reasonably and absent impermissible hindsight, motivate one having ordinary skill in the art to so modify the teachings of Kneip '838, noting that in Kneip '838, the at least one power tool drilling assembly (11,12,44) mounted on a carriage unit is not further mounted on a support arm for pivotable movement about a horizontal axis. Thus, for at least the foregoing reasons, the prior art of record neither anticipates nor rendered obvious the present invention as set forth in independent claim 5.

8. Claims 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 19,21 and 23-27 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

10. Regarding claim 19, the prior art of record fails to anticipate or make obvious an apparatus for carrying out machining operations on plastic frameworks comprising (1) "said third support structure including a vertically extending main mounting plate on which said second support structure is vertically movable", and (2) "a further drive motor for moving said second support structure vertically on said main mounting plate via a further drive motor mounted on said second support structure", solely or in combination, with an apparatus for carrying out machining operations on plastic frameworks having a power tool including a first drive motor and a tool device, a lever member, a vertically extending first support structure, a horizontally extending second support structure, a third support structure, a second drive motor and a drive motor system.

Daugherty '393 is the closest art of record.

Daugherty '393 shows in Figures 1-2 an apparatus (50) for machining on plastic frameworks (W) comprising a power tool (69,70,72) including a first drive motor (70) and a tool

Art Unit: 3722

device (72), a lever member (68) pivotable (col. 3, lines 52-56) about a first horizontal pivot axis and supporting the power tool at a location spaced from the pivot axis, a vertically extending first supporting structure (66) on which the lever member is mounted, a horizontally extending second support structure (64) on which the first support structure is mounted for rotation (col. 3, lines 38-45) about a substantially vertical axis of rotation, a third support structure (59,61) on which second support structure is movably mounted (col. 3, lines 29-34), a second drive motor (214) mounted on first support structure to pivot said lever member about said pivot axis (col. 7, lines 5-42), and a drive motor system (col. 5, line 66 through col. 6, line 17) mounted on one of the first and second support structures to rotate said first support structure about said axis of rotation. Daugherty '393 shows the tool device including a drill bit holder (chuck) and a drill bit (72), the lever member being a lever arm, and the horizontal pivot axis located at one end of the lever arm (left side of 68 about arcuate path 206). Daugherty '393 shows a support beam (94) adapted to extend horizontally wherein the third support structure is slidably mounted for movement along the beam in the lengthwise direction of the beam (col. 4, lines 38-43). Daugherty '393 shows a servomotor drive system (col. 4, lines 61-66) for moving the third support structure along the beam wherein the servomotor drive system includes a gear (116) rotatable for engagement with a rack (95) mounted on the beam (col. 4, line 61 through col. 5, line 8).

Daugherty '393 lacks an apparatus for carrying out machining operations on plastic frameworks comprising (1) "said third support structure including a vertically extending main mounting plate on which said second support structure is vertically movable", and (2) "a further drive motor for moving said second support structure vertically on said main mounting plate via a further drive motor mounted on said second support structure".

Art Unit: 3722

Although it is well known to have an apparatus for carrying out machining operations on plastic frameworks with numerous support structures and drive motors, there is no teaching in the prior art of record that would, reasonably and absent impermissible hindsight, motivate one having ordinary skill in the art to so modify the teachings of Daugherty '393, noting that in Daugherty '393, the third support structure (59,61) lacks a vertical main mounting plate on which said second support structure (64) is vertically movable and there is no further drive motor mounted on the second support structure (64) for moving the second support structure on said main mounting plate. Thus, for at least the foregoing reasons, the prior art of record neither anticipates nor rendered obvious the present invention as set forth in independent claim 19.

11. Regarding claim 21, the prior art of record fails to anticipate or make obvious an apparatus for carrying out machining operations on plastic frameworks comprising (1) "said first support structure is a hollow, elongate post, and said lever arm is pivotably mounted at a top end of said post, and said second drive motor is mounted within said post and has an output shaft connected to a bevel pinion rotatable about a vertical axis, wherein said bevel pinion engages a bevel gear mounted on a shaft for rotation about said pivot axis and said lower lever arm being attached to said shaft", solely or in combination, with an apparatus for carrying out machining operations on plastic frameworks having a power tool including a first drive motor and a tool device including a rotatable drill bit holder and drill bit, a lever member, a vertically extending first support structure, a horizontally extending second support structure, a third support structure, a second drive motor and a drive motor system.

Daugherty '393 is the closest art of record.

Daugherty '393 shows in Figures 1-2 an apparatus (50) for machining on plastic frameworks (W) comprising a power tool (69,70,72) including a first drive motor (70) and a tool device (72), a lever member (68) pivotable (col. 3, lines 52-56) about a first horizontal pivot axis

Art Unit: 3722

and supporting the power tool at a location spaced from the pivot axis, a vertically extending first supporting structure (66) on which the lever member is mounted, a horizontally extending second support structure (64) on which the first support structure is mounted for rotation (col. 3, lines 38-45) about a substantially vertical axis of rotation, a third support structure (59,61) on which second support structure is movably mounted (col. 3, lines 29-34), a second drive motor (214) mounted on first support structure to pivot said lever member about said pivot axis (col. 7, lines 5-42), and a drive motor system (col. 5, line 66 through col. 6, line 17) mounted on one of the first and second support structures to rotate said first support structure about said axis of rotation. Daugherty '393 shows the tool device including a drill bit holder (chuck) and a drill bit (72), the lever member being a lever arm, and the horizontal pivot axis located at one end of the lever arm (left side of 68 about arcuate path 206). Daugherty '393 shows a support beam (94) adapted to extend horizontally wherein the third support structure is slidably mounted for movement along the beam in the lengthwise direction of the beam (col. 4, lines 38-43). Daugherty '393 shows a servomotor drive system (col. 4, lines 61-66) for moving the third support structure along the beam wherein the servomotor drive system includes a gear (116) rotatable for engagement with a rack (95) mounted on the beam (col. 4, line 61 through col. 5, line 8).

Daugherty '393 lacks an apparatus for carrying out machining operations on plastic frameworks comprising (1) "said first support structure is a hollow, elongate post, and said lever arm is pivotably mounted at a top end of said post, and said second drive motor is mounted within said post and has an output shaft connected to a bevel pinion rotatable about a vertical axis, wherein said bevel pinion engages a bevel gear mounted on a shaft for rotation about said pivot axis and said lower lever arm being attached to said shaft".

Although it is well known to have an apparatus for carrying out machining operations on plastic frameworks with a hollow, elongate post and a pivotable lever arm with respective drive motors consisting of drive gears and shafts, there is no teaching in the prior art of record that would, reasonably and absent impermissible hindsight, motivate one having ordinary skill in the art to so modify the teachings of Daugherty '393, noting that in Daugherty '393, the second drive motor (214) is not mounted within the hollow, elongated post (66) and the lever arm (68) is not mounted at the top end of the post. Thus, for at least the foregoing reasons, the prior art of record neither anticipates nor rendered obvious the present invention as set forth in independent claim 21.

Response to Arguments

12. Applicant's arguments with respect to claims 11, 13 and 14 have been considered but are moot in view of the new ground(s) of rejection with regards to Sarh '947.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3722

14. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mrs. Monica S. Carter, may be reached at 571-272-4475.

In order to reduce pendency and avoid potential delays, group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 571-273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MWT
Examiner
24 July 2007


MONICA CARTER
SUPERVISORY PATENT EXAMINER